REMARKS

The Examiner has objected to Claim 11 for including "tangible" in the preamble. Further, the Examiner has objected to Claim 22. Applicant has amended the claims as suggested by the Examiner.

The Examiner has rejected Claim 22 under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has clarified the claim above to avoid such rejection.

The Examiner is thanked for the allowance of Claim 22.

The Examiner has rejected Claims 1-21 and 23-26 under 35 U.S.C. 103(a) as being unpatentable over Bullard (U.S. Patent Publication No. 2002/0091636 A1) in view of Whitesage (U.S. Patent Publication No. 2002/0010686). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to independent Claims 1, 11 and 21. Specifically, applicant has amended the aforementioned independent claims to at least substantially include the subject matter for dependent Claim 6 et al.

With respect to former dependent Claim 6 et al. (now at least substantially incorporated into the aforementioned independent claims), the Examiner has relied on Official Notice in rejecting applicant's claimed technique "wherein a speed with which the records are aggregated is based on the contracts." Specifically, the Examiner has argued that "[t]his feature is well known in the art at the time of the invention in order to categorize and classify contract[s] that require more time before being aggregated due to certain requirements or size," and that "[o]ne skill[ed] artisan at the time of the invention would incorporate this feature into [the] Bullard and Whitesage method[s] to improve [a] contract's aggregation."

Applicant respectfully disagrees. Applicant respectfully asserts that merely alleging that contract aggregation would have been obvious, as noted by the Examiner, does not rise to the level of specificity of applicant's claim language, namely that "a speed with which the records are aggregated is based on the contracts" (emphasis added), as claimed.

Still yet, applicant further notes that neither the Bullard nor the Whitesage references even suggest applicant's specific claim language. For example, Bullard merely discloses that "the accounting process 14 collects via the data collector layer 18 multiple and diverse types of data from the network 11, [and] normalizes the data into a consistent accounting record" (Paragraph [0031]). Clearly, collecting data from a network and normalizing the data into a record, as in Bullard, fails to even suggest that "a speed with which the records are aggregated is based on the contracts" (emphasis added), as claimed. Additionally, Whitesage discloses that "a record of a contract transaction will actually contain more than one contract transaction," where "[t]his information needs to be individualized," and that "a record may contain information that does not adequately identify the transaction as a contract transaction" where "this transaction must be individualized" (Paragraph [0040]). Accordingly, the Whitesage reference also does not even suggest that "a speed with which the records are **aggregated** is based on the contracts" (emphasis added), as claimed.

To this end, in response to the Examiner's dismissal of Claim 6 et al. under Official Notice, applicant again points out the remarks above that clearly show the manner in which some of such claims further distinguish the Bullard and Whitesage references. Applicant thus formally requests a specific showing of the subject matter in ALL of the claims in any future action. Note excerpt from MPEP below.

> "If the applicant traverses such an [Official Notice] assertion the examiner should cite a reference in support of his or her position." See MPEP 2144.03.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*,947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above. Applicant further notes that the Examiner has indicated earlier by phone that the incorporation of Claim 6 et al. into the rejected independent claims would warrant an allowance. Thus, a notice of allowance or a proper prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. AMDCP010).

Respectfully submitted,
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